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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,407	01/29/2004	Alexandru C. Doaga	6234-79714	2870
22242 7590 05/15/2007 FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			EXAMINER MOSSER, ROBERT E	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 05/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/767,407

Applicant(s)

DOAGA ET AL.

Examiner

Robert Mosser

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Official notice

In the Non-final rejection dated September 21st, 2006 the Examiner presented the following items under Official Notice.

The examiner gave Official Notice that golf courses containing at least nine holes are extremely old and well known in the art of golf.

The examiner gave Official Notice that it is old and well known that such mobile phone networks as taught by Siren commonly encompass residential areas.

These item were not challenged in the Applicant's response following the Non-final rejection dated September 21st, 2006 and are therefore now considered Applicant Admitted prior art.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Dudley (US 5,772,534).

Claims 1-2, and 7-8: Dudley teaches a golf course information and communication system including: A local area network including a plurality of wireless access points disposed about the an outer periphery of a golf course (Figure 1);

A wireless communication protocol operable across the wireless access points and enabling the updating of golf course infrastructure information and further enabling subscriber communications through a plurality of portable interface units; and the transmittal of current pin placement information through the communication system (Abstract & Col 8:55-9:11).

Claims 3-4: Dudley additionally teaches that the communication system extends throughout a majority of the golf course and further includes at last a club house or equivalently a zone separate from the golf course as so claimed (Figure 1).

Claim 9: Dudley additionally teaches the automatic updating of golf course infrastructure information as automatically broadcasting pin placement pursuant to a first broadcasting schedule (Col 10:18-23) however Dudley is silent regarding the incorporation of a second broadcasting schedule delineating the claimed "old pin placement" and the claimed "new pin placement", however the claim while noted as not indefinite by the examiner does not presently construct that the first and second broadcasting schedules are different, and through what measure a pin placement is to be utilized in determining what constitutes "old" rather than being considered "new" within the body of the claim. Accordingly the broadcast procedure of Dudley is understood to present the user device with a first broadcast upon the relocation of

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exemplary pin number three upon its initial occurrence thereby providing the new location according to a first broadcast schedule, and additionally constitute an old pin location through second broadcast at a later time to a separate user device which was unavailable to receive the first broadcast thereby effectively communicating an old pin location on a second schedule. Finally the claim additionally recites that the broadcasting is accomplished through automatic means, as the device of Dudley transmits the updated course information responsive to the activation of a reset button by an operator located remotely at a club house and does not further require manual interaction with the respective device by said operator it is understood to constitute an automated process.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dudley (US 5,772,534).

Claim 6: Dudley teaches the use of the information system on a golf course with multiple holes (Col 7:47-59) however is silent that the golf course contains at least nine holes. It is Applicant admitted prior art that golf courses containing at least nine holes are extremely old and well known in the art of golf. It would have been obvious to one of ordinary skill in the art at the time of invention to have utilized a golf course containing at least nine hole as the golf course utilized by Dudley in order to incorporate a commonly available course format.

Claims 5, and 10-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudley (US 5,772,534) in further view of Siren (US 6,763,236).

Claims 5, and 16-17: In addition to the above Dudley is silent regarding the extending of the wireless network to include residential zones however Siren teaches the utilization of common wireless networks for the transfer of data related to specific areas and interests (*Siren Abstract*). It is Applicant admitted prior art that it is old and well known that such mobile phone networks as taught by Siren commonly encompass residential areas. Accordingly it would have been obvious to one of ordinary skill in the art at the time of invention to have utilized a common communication network such as

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taught by Siren in the specific application of a communication network taught by Dudley in order to reduce the installation cost for the system Dudley by not requiring the installation and upkeep of a private communication system.

Claim 10, and 19: The communication system of Siren is taught as utilizing General Packet Radio Service for communication and hence include packet data subscriber communication as claimed (*Siren* Col 1:15-39).

Claims 11-14, and 22: The communication system of Siren teaches a subscriber authorization server for determining the type and speed of the connection available to subscribers based on the amount respectively paid for each subscription and further allowing the subscriber access to a data network including the internet (*Siren* Col 3:14-60).

Claims 15, 20, and 21: In addition to the above, Dudley further teaches dedicating a portion of the wireless network to support golf course infrastructure information including updating the club house on the position of the golf carts throughout the course (*Siren* Abstract) and pin placement while the communication system Siren teaches the use of subscriber-subscriber communication as normal voice calls in addition to the data-network features (*Siren* Col 5:5-9)

Claim 18: The plurality of wireless access points originally presented in Dudley as cited above in the redress of claim 2 is replaced by the plurality of cell towers implicit to the cellular network of Siren in the combination of Dudley and Siren.

Response to Arguments

Applicant's arguments filed February 16th, 2007 have been fully considered but they are not persuasive.

On page 6 through 8 the Applicant objects to the application of Dudley (USP 5,772,534) against pending claims 1-4 and 7-9 on two points.

On the first point the Applicant suggests that the system of Dudley fails to teach a plurality of wireless access points disposed about a golf course and more specifically that each of the respective plurality of wireless access point is capable of individually providing the described functionality of at least claim 1. This interpretation however is of a narrower scope then presently claimed, wherein the present claims more broadly specify that the plurality of access point support the claim functionality. Under the broadest reasonable interpretation of the claims if one of the plurality of access points support the described functionality then as a whole the plurality of access points supports the described functionality. Under the interpretation that each of the wireless access points when correlated to the towers of Dudley do not provide the claimed functionality independently the Examiner concurs with the Applicant however this feature is not presently reflected in the pending claims.

Additionally there is a second issue related to this point wherein the Applicant's claims do not presently include a receiver element. The absence of this feature in the pending claims opens the door to a second interpretation of the claims wherein the plurality of golf carts in the system of Dudley can each respectively be correlated a wireless access point yielding the claimed plurality of wireless access points.

On the second point the Applicant suggests that the system of Dudley supports only the communication of golf infrastructure information and does not provide for the claimed subscriber communication, however Dudley describes providing communication between the user/subscriber (Col 9:6-11) in addition to the communication of infrastructure information (Col 9:52-59). In further support of this interpretation the Examiner has relied upon Paragraph 11 of the instant Application.

For example, pursuant to one embodiment, such **subscriber communications can comprise** data-based communications, such as but not limited to packet data formatted **voice or data messages**. Pursuant to one approach, this can include two-way Internet access. Such subscriber communications can benefit previously authorized subscribers including but not limited to golf course visitors, golf course club members, residents of nearby homes, condominiums, or apartments, and guests of proximate hotels, inns, motels, cottages, cabins, camping facilities, resorts, and the like.

The Applicant's arguments on pages 8 through 10 of their remarks are dependent on the holdings addressed above and therefore are considered addressed by the Examiner, in the discussion of those holdings.

Amendments suggested by the Examiner are not presented in a verbatim format and accordingly should not be considered an indication of allowable subject matter. These amendments are presented instead to assist the Applicant in the formation of amendments that would be reflective of their argued interpretations and perceived distinctions over the presently applied prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (571)-272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

REM

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May 11th, 2007



MARK SAGER
PRIMARY EXAMINER